PATENT

Atty Docket No.: 200312051-1
App. Ser. No.: 10/734,174

REMARKS

Favorable reconsideration of this application is respectfully requested in view of the claim amendments and following remarks.

By virtue of the amendments above, Claims 11, 20, and 22 have been amended. Support for the amendments may be found in Figures 2 and 4A and page 17, lines 7-11 of the originally filed specification. Claim 21 has been canceled herein without prejudice or disclaimer to the subject matter contained therein. In addition, claims 1-10 and 32-37 have been withdrawn from consideration as being drawn to a non-elected species. Accordingly, Claims 11-20 and 22-31 are pending in the present application, of which claims 11 and 20 are independent.

No new matter has been introduced by way of the claim amendments; entry thereof is therefore respectfully requested.

Claims 11-13, 16-22, 24, 25, and 28-31 have been rejected under 35 U.S.C. §102(b) as allegedly being unpatentable over the disclosure contained in U.S. Patent No. 6,466,441 to Suzuki (Suzuki).

Claims 14-15 and 26-27 have been rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Suzuki in view of U.S. Patent No. 4,884,331 to Hinshaw (Hinshaw).

Claim 23 has been rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Suzuki in view of U.S. Patent No. 5,897,178 to Ohara (Ohara) or U.S. Patent No. 6,128,194 to Francis (Francis).

These rejections are respectfully traversed for the reasons set forth below.

Examiner Interview Conducted

The Applicants' representative wishes to thank Examiner Duong for the courtesies extended during the interview conducted on December 18, 2006. During the interview, the cited documents of record and their alleged applicability to the claims were discussed. Specifically, with respect to Suzuki (6,466,442), Examiner Duong explained that the heat conductive plate "15" depicted in Figure 5 was being interpreted as the first section of a housing, the fins "17a" were being interpreted as a cooling system attached thereto, and the substrate "14" was being interpreted as the second section of the housing. Based on this broad interpretation, Examiner Duong explained that he considered the structure depicted in Figure 5 of Suzuki to read on the subject matter of independent claims 11 and 20. Examiner Duong suggested that the independent claims be amended to further distinguish the invention from the cited documents.

Claim Rejection Under 35 U.S.C. §102

The test for determining if a reference anticipates a claim, for purposes of a rejection under 35 U.S.C. § 102, is whether the reference discloses all the elements of the claimed combination, or the mechanical equivalents thereof functioning in substantially the same way to produce substantially the same results. As noted by the Court of Appeals for the Federal Circuit in *Lindemann Maschinenfabrick GmbH v. American Hoist and Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984), in evaluating the sufficiency of an anticipation rejection under 35 U.S.C. § 102; the Court stated:

> Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim.

Therefore, if the cited reference does not disclose each and every element of the claimed invention, then the cited reference fails to anticipate the claimed invention and, thus, the claimed invention is distinguishable over the cited reference.

Claims 11-13, 16-22, 24, 25, and 28-31 have been rejected under 35 U.S.C. §102(b) as allegedly being anticipated by the disclosure contained in Suzuki. For at least the following reasons, it is respectfully submitted that Suzuki fails to teach each and every element of independent claims 11 and 20.

Independent claims 11 and 20 have been amended to include that the first and second sections of the housing form an exterior enclosure of the electronic system and that the electronic system includes a mounting board supported by the second section of the housing.

Suzuki fails to teach or suggest at least a cooling system attached to a first section of a housing, as is recited in claims 11 and 20. As claims 11 and 20 recite, first and second sections of the housing form an exterior enclosure of the electronic system. Therefore, the heat conductive plate 15 of Suzuki cannot be considered equivalent to a first section of a housing. As such, Suzuki fails to teach or suggest a cooling system attached to a first section of a housing. Moreover, Figure 2 of Suzuki clearly shows that the cover 12 of Suzuki is not attached to a cooling system. Therefore, Suzuki fails to teach or suggest a first section of a housing attached to a cooling system, as recited in claims 11 and 20.

In addition, with respect to independent claim 11, Suzuki fails to teach or suggest a cooling system configured to disengage from the heat-generating component when the first section is detached from the second section. As Figure 2 of Suzuki depicts, removal of the cover 12 does not disengage the cooling system 15-17 from heat-generating components. Therefore, Suzuki fails to teach or suggest this feature of claim 11.

With respect to claim 20, Suzuki fails to teach or suggest a heat-generating component attached to the cooling system, wherein the heat-generating component is configured to engage a mounting board when the first section is attached to the second section and disengage from the mounting board when the first section is detached from the second section. As Figure 5 of Suzuki depicts, the heat-generating components 14a and 14b are mounted to the substrate 14. Therefore, when the cooling system 15-17 of Suzuki is removed, the heat-generating components 14a and 14b remain mounted to the substrate 14. Therefore, Suzuki fails to teach or suggest a heat-generating component attached to the cooling system.

For at least the foregoing reasons, it is respectfully submitted that Suzuki fails to disclose each and every element of independent claims 11 and 20. The Examiner is therefore respectfully requested to withdraw this rejection and to allow claims 11 and 20 and the claims that depend therefrom.

Claim Rejection Under 35 U.S.C. §103

The test for determining if a claim is rendered obvious by one or more references for purposes of a rejection under 35 U.S.C. § 103 is set forth in MPEP § 706.02(j):

> To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Therefore, if the above-identified criteria are not met, then the cited reference(s) fails to render obvious the claimed invention and, thus, the claimed invention is distinguishable over the cited reference(s).

Claims 14-15 and 26-27 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Suzuki in view of Hinshaw.

Claims 14-15 and 26-27 are allowable at least by virtue of their respective dependence on allowable claims 11 and 20, for the reasons set forth above. In addition, Hinshaw fails to cure the deficiencies of Suzuki. Therefore, a *prima facie* case of obviousness has not been established under 35 U.S.C. § 103 because Suzuki and Hinshaw, taken alone or in combination, fail to teach or suggest the features claimed in independent claims 11 and 20. Accordingly, the Examiner is respectfully requested to withdraw the rejection of claims 14-15 and 26-27 and to allow these claims.

Claim 23 has been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Suzuki in view of Ohara or Francis.

Claim 23 is allowable at least by virtue of its dependence on allowable claim 20, for the reasons set forth above. In addition, Ohara and Francis fail to cure the deficiencies of Suzuki, discussed above. Therefore, a *prima facie* case of obviousness has not been established under 35 U.S.C. § 103 because Suzuki, Ohara and Francis, taken alone or in combination, fail to teach or suggest the features claimed in independent claim 20. Accordingly, the Examiner is respectfully requested to withdraw the rejection of claim 23 and to allow this claim.

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Conclusion

In light of the foregoing, withdrawal of the rejections of record and allowance of this application are earnestly solicited.

Should the Examiner believe that a telephone conference with the undersigned would assist in resolving any issues pertaining to the allowability of the above-identified application, please contact the undersigned at the telephone number listed below.

Please grant any required extensions of time and charge any fees due in connection with this request to deposit account no. 08-2025.

Respectfully submitted,

Dated: December 21, 2006

By _____
Timothy B. Kang
Registration No.: 46,423

MANNAVA & KANG, P.C.
8221 Old Courthouse Road
Suite 104
Vienna, VA 22182
(703) 652-3817
(703) 865-5150 (facsimile)